

Appl. No. 09/975,087
Amdt. Dated July 28, 2005
Reply to Office Action of May 5, 2005

Docket No. IS02031MCG
Customer No. 23330

REMARKS

Claims 13-14 are cancelled. Claims 1-12 and 15-49 remain in the application. The claims were amended to correct a variety of formalities. The actions taken are in the interest of expediting prosecution and with no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art. Moreover, the amendment or cancellation of claims herein is without prejudice to pursuing claims of different scope by way of continuing Application. Reconsideration of this application is respectfully requested.

U.S.C. §112 second paragraph

Claims 12 is rejected under U.S.C. §112, second paragraph, as being indefinite for unclear antecedent basis. Claim 12 has been amended to correct the antecedent basis by properly referring claim 12 to claim 11, rendering this rejection moot.

U.S.C. 102(e)

Claims 1-6, 11, 15-22, 36, 40-43, 45 and 46 are rejected under U.S.C. §102(e) as being anticipated Sasson et al. (U.S. Patent No. 6,728,261, hereinafter Sasson). Applicants respectfully traverse the rejection. Applicant's independent claims 1, 15, 36, 46, 48 and 49 calls for, among other things, protocols, wherein the hardware includes protocol header insert units and an Ethernet frame CRC unit. These limitations are not found in Sasson as admitted by the Examiner in the Office Action where claim 14 was found allowable. Claims that depend from the above independent claims are allowable for the same reasons as the independent claims.

U.S.C. 103

Claims 8-10 and 44 are rejected under U.S.C. §103 as being unpatentable over Sasson. Claims 7, 24-25, 27-31, 33-35, 39 and 47 are rejected under U.S.C. §103 as being unpatentable over Sasson in view of Subbiah et al. (U.S. Patent No. 6,801,452, hereinafter Subbiah). Claims

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23 and 26 are rejected under U.S.C. §103 as being unpatentable over Sasson and Subbiah in further view of Keshav et al. (U.S. Patent No. 5,623,605, hereinafter Keshav). Claim 32 is rejected under U.S.C. §103 as being unpatentable over Sasson in view of Subbiah and in further view of Brueckheimer (U.S. Patent No. 6,519,261, hereinafter Brueckheimer). Claims 12-13, 37 and 38 rejected under U.S.C. §103 as being unpatentable over Sasson in view of Brueckheimer.

It is incumbent upon the Examiner to prove a *prima facie* case of obviousness (MPEP 2142). To establish a *prima facie* case three basic criteria must be met. First, the prior art reference must teach or suggest all the claim limitations. Second, there must be a reasonable expectation of success. Finally, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference.

Applicants respectfully traverses this rejection as all of the claimed elements are not found in the cited references. Applicant's independent claims 1, 15, 24, 35, 36, 46, 47, 48 and 49 calls for, among other things, protocols, wherein the hardware includes protocol header insert units and an Ethernet frame CRC unit. These limitations are not found in any of the above cited art as admitted by the Examiner in the Office Action where claim 14 was found allowable. Claims that depend from the above independent claims are allowable for the same reasons as the independent claims.

Allowable Subject Matter

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The limitations of claim 14 have been amended to the above cited independent claims, thereby placing the remaining claims in the application in condition for allowance.

Prior Art

The references cited but not relied upon are believed not to anticipate or make obvious Applicants' invention.

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Summary

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

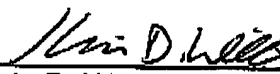
Please charge any fees associated herewith, including extension of time fees, to 502117' Motorola, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

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IL01/3rd Floor
Schaumburg, IL 60196
Customer Number: 23330

By: _____


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